

AMENDED IN ASSEMBLY MAY 26, 2000

AMENDED IN ASSEMBLY MAY 16, 2000

AMENDED IN ASSEMBLY APRIL 25, 2000

AMENDED IN ASSEMBLY APRIL 6, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2754**

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**Introduced by Assembly Member House  
(Principal coauthor: Assembly Member Strom-Martin)**

February 25, 2000

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An act to amend Sections 31108, 31752, 31753, and 31754 of, and to repeal Section 31754 of, the Food and Agricultural Code, relating to stray animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 2754, as amended, House. Stray animals.

(1) Existing law provides that the required holding period for a stray dog or cat impounded by a pound or shelter shall be 6 business days, except that under specified circumstances the holding period shall be 4 business days. Existing law provides that stray animals shall be held for owner redemption during the first 3 days of the holding period, not including the day of impoundment, and shall be available for owner redemption or adoption for the remainder of the holding period. Existing law provides that any stray animal that is impounded shall, prior to the killing of that animal for any reason other than irremediable suffering, be released to

a nonprofit animal rescue or adoption organization if requested by the organization prior to the scheduled killing of that animal. Existing law provides that in addition to any required spay or neuter deposit, the pound or shelter, at its discretion, may assess a fee, not to exceed the standard adoption fee, for animals released. A violation of these provisions is an infraction, punishable as specified.

This bill would revise the above provisions to instead provide that the required holding period for a stray dog or cat impounded by a public or private shelter shall be 4 business days; that the shelter make the dog or cat available on specified days at specified times, or establish a procedure for reclaiming the animals by appointment, as specified; that any ~~adoptable or treatable~~ stray animal that is impounded shall, prior to the euthanasia of that animal for any reason other than irremediable suffering ~~or, in the case of a dog, a known history of vicious or dangerous behavior,~~ be available for adoption by ~~a new owner or~~ released to a nonprofit animal rescue or adoption organization if requested by the ~~adoption applicant~~ ~~or~~ organization prior to the scheduled euthanasia of that animal; and that in addition to any required spay or neuter deposit, the public or private shelter, at its discretion, may assess a fee, not to exceed the standard adoption fee, for animals adopted or released. The bill would also authorize a pound or shelter to require a person who is adopting a dog or cat to sign a waiver of liability for any injuries or damages caused by the adopted animal. The bill would require a person, upon relinquishing an animal to a pound or shelter, to sign a statement under penalty of perjury that he or she is the lawful owner of the animal, and would authorize that person to specify that the animal is available for either immediate adoption, or immediate euthanasia if the animal is suffering from an irremediable medical condition or if, in the case of a dog, the animal has a known history of vicious or dangerous behavior. The bill would make conforming changes to a related provision involving other specified animals. By revising existing and creating new crimes, this bill would impose a state-mandated local program upon local governments.



(2) Existing law provides that any animal relinquished by the purported owner that is of a species impounded by pounds or shelters shall be held for 2 full business days, not including the date of impoundment. Existing law provides that the animal shall be available for owner redemption for the first day, not including the date of impoundment; shall be available for owner redemption or adoption for the 2nd day; and after the 2nd required day, the animal may be held longer, killed, or relinquished to a nonprofit animal adoption organization, as defined in the Internal Revenue Code. Existing law provides that these provisions shall become inoperative on July 1, 2001, and shall be repealed as of January 1, 2002. A violation of any of these provisions is an infraction, punishable as specified.

This bill would instead provide that any animal relinquished by the purported owner that is of a species impounded by public or private shelters shall be held for one full business day; shall be held for owner redemption during the holding period, and thereafter shall be available for owner redemption or adoption until final disposition of the animal; and after the holding period, the animal may be adopted by a new owner, held longer, euthanized, or released to a nonprofit animal adoption organization. The bill would authorize these shelters to enter into cooperative agreements with any animal rescue or adoption organization. The bill would repeal the provisions relating to the inoperation and repeal of the provision, thus making the provisions effective indefinitely. By revising existing crimes, this bill would impose a state-mandated local program upon local governments.

(3) Existing law, to become operative on July 1, 2001, provides that any animal relinquished to a purported owner that is of a species impounded by pounds or shelters shall be held for holding periods specified in (1) above, except that the period for owner redemption shall be one day, not including the day of impoundment, and the period for owner redemption or adoption shall be the remainder of the holding period.

This bill would repeal this provision.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs

mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 31108 of the Food and  
2 Agricultural Code is amended to read:

3 31108. (a) The required holding period for a stray  
4 dog impounded pursuant to this division shall be four  
5 business days, not including the day of impoundment.

6 ~~The~~  
7 (1) ~~The~~ public or private shelter shall make the dog  
8 available ~~for owner redemption~~ on one weekday evening  
9 until at least 7:00 p.m. or one weekend day; ~~or the shelter~~

10 (2) ~~If the public or private shelter is not open during~~  
11 ~~regular weekday business hours, it~~ shall establish a  
12 procedure to enable owners to reclaim their dogs by  
13 appointment at a mutually agreeable time when the  
14 shelter would otherwise be closed. Except as provided in  
15 Section 17006, stray dogs shall be held for owner  
16 redemption during the first three days of the holding  
17 period, not including the day of impoundment, and shall  
18 be available for owner redemption or adoption for the  
19 remainder of the holding period.

20 (b) (1) ~~Any adoptable or treatable~~ stray dog that is  
21 impounded pursuant to this division shall, prior to the  
22 euthanasia of that animal for any reason other than  
23 irremediable suffering, ~~or a known history of vicious or~~  
24 ~~dangerous behavior, be available for adoption by a new~~  
25 ~~owner or~~ be released to a nonprofit, as defined in Section  
26 501(c)(3) of the Internal Revenue Code, animal rescue  
27 or adoption organization if requested by the ~~adoption~~  
28 ~~applicant or~~ organization prior to the scheduled  
29 euthanasia of that animal. The public or private shelter  
30 may enter into cooperative agreements with any animal  
31 rescue or adoption organization. In addition to any

1 required spay or neuter deposit, the public or private  
2 shelter, at its discretion, may assess a fee, not to exceed the  
3 standard adoption fee, for animals adopted or released.

4 (2) Every public or private shelter shall have a written  
5 protocol developed in coordination with and approved by  
6 a licensed veterinarian that defines the terms  
7 “irremediable suffering” and “treatable disease.”

8 (c) During the holding period required by this section  
9 and prior to the adoption or euthanasia of a dog  
10 impounded pursuant to this division, a public or private  
11 shelter shall scan the dog for a microchip that identifies  
12 the owner of that dog and shall make reasonable efforts  
13 to contact the owner and notify him or her that his or her  
14 dog is impounded and is available for redemption.

15 (d) Upon relinquishment of a dog to a public or  
16 private shelter, the owner of that dog shall present  
17 sufficient identification to establish his or her ownership  
18 of the dog and shall sign a statement that, under penalty  
19 of prosecution for theft, he or she is the lawful owner of  
20 the dog. Upon relinquishment of the dog, the owner may  
21 specify that the animal is available for either of the  
22 following:

23 (1) Immediate adoption.

24 (2) Immediate euthanasia if the dog is suffering from  
25 an irremediable medical condition or has a known history  
26 of vicious or dangerous behavior.

27 (e) When a person adopts a dog from a public or  
28 private shelter, he or she may be required to sign a waiver  
29 of liability for any injuries or damages caused by the  
30 adopted dog.

31 SEC. 2. Section 31752 of the Food and Agricultural  
32 Code is amended to read:

33 31752. (a) The required holding period for a stray cat  
34 impounded pursuant to this division shall be four business  
35 days, not including the day of impoundment. ~~The~~

36 (1) ~~The~~ public or private shelter shall make the cat  
37 ~~available for owner redemption~~ on one weekday evening  
38 until at least 7:00 p.m. or one weekend day; ~~or the shelter~~

39 (2) ~~If the public or private shelter is not open during~~  
40 ~~regular weekday business hours, it shall establish a~~

1 procedure to enable owners to reclaim their cats by  
2 appointment at a mutually agreeable time when the  
3 shelter would otherwise be closed. Except as provided in  
4 Sections 17006 and 31752.5, stray cats shall be held for  
5 owner redemption during the first three days of the  
6 holding period, not including the day of impoundment,  
7 and shall be available for owner redemption or adoption  
8 for the remainder of the holding period.

9 (b) (1) Any ~~adoptable, treatable, or feral~~ stray cat  
10 that is impounded pursuant to this division shall, prior to  
11 the euthanasia of that animal for any reason other than  
12 irremediable suffering, be ~~available for adoption by a new~~  
13 ~~owner or~~ released to a nonprofit, as defined in Section  
14 501(c)(3) of the Internal Revenue Code, animal rescue  
15 or adoption organization if requested by the ~~adoption~~  
16 ~~applicant or~~ organization prior to the scheduled  
17 euthanasia of that animal. In addition to any required  
18 spay or neuter deposit, the public or private shelter, at its  
19 discretion, may assess a fee, not to exceed the standard  
20 adoption fee, for animals adopted or released. The public  
21 or private shelter may enter into cooperative agreements  
22 with any animal rescue or adoption organization.

23 (2) Every public or private shelter shall have a written  
24 protocol developed in coordination with and approved by  
25 a licensed veterinarian that defines the terms  
26 “irremediable suffering” and “treatable disease.”

27 (c) During the holding period required by this section  
28 and prior to the adoption or euthanasia of a cat  
29 impounded pursuant to this division, a public or private  
30 shelter shall scan the cat for a microchip that identifies  
31 the owner of that cat and shall make reasonable efforts to  
32 contact the owner and notify him or her that his or her cat  
33 is impounded and is available for redemption.

34 (d) Upon relinquishment of a cat to a public or private  
35 shelter, the owner of that cat shall present sufficient  
36 identification to establish his or her ownership of the cat  
37 and shall sign a statement that, under penalty of  
38 prosecution for theft, he or she is the lawful owner of the  
39 cat. Upon relinquishment of the cat, the owner may

1 specify that the animal is available for either of the  
2 following:

3 (1) Immediate adoption.

4 (2) Immediate euthanasia if the cat is suffering from  
5 an irremediable medical condition.

6 (e) When a person adopts a cat from a public or  
7 private shelter, he or she may be required to sign a waiver  
8 of liability for any injuries or damages caused by the  
9 adopted cat.

10 SEC. 3. Section 31753 of the Food and Agricultural  
11 Code is amended to read:

12 31753. Any rabbit, guinea pig, hamster, pot-bellied  
13 pig, bird, lizard, snake, turtle, or tortoise that is legally  
14 allowed as personal property and that is impounded in a  
15 public or private shelter shall be held for the same period  
16 of time, under the same requirements of care, and with  
17 the same opportunities for redemption and adoption by  
18 new owners or nonprofit, as defined in Section 501(c)(3)  
19 of the Internal Revenue Code, animal rescue or adoption  
20 organizations as provided for cats and dogs. Section 17006  
21 shall also apply to these animals. In addition to any  
22 required spay or neuter deposit, the public or private  
23 shelter, at its discretion, may assess a fee, not to exceed the  
24 standard adoption fee, for animals adopted by new  
25 owners or released to nonprofit animal rescue or adoption  
26 organizations pursuant to this section.

27 SEC. 4. Section 31754 of the Food and Agricultural  
28 Code, as added by Section 16 of Chapter 752 of the  
29 Statutes of 1998, is amended to read:

30 31754. Except as provided in Section 17006, any  
31 animal relinquished by the purported owner that is of a  
32 species impounded by public or private shelters shall be  
33 held for one full business day, not including the day of  
34 impoundment. The animal shall be held for owner  
35 redemption during the holding period, and thereafter  
36 shall be available for owner redemption or adoption until  
37 final disposition of the animal. After the holding period,  
38 the animal may be adopted by a new owner, held longer,  
39 euthanized, or released to a nonprofit, as defined in  
40 Section 501(c)(3) of the Internal Revenue Code, animal

1 adoption organization under the same conditions and  
2 circumstances provided for stray dogs and cats in Sections  
3 31108 and 31752.

4 SEC. 5. Section 31754 of the Food and Agricultural  
5 Code, as added by Section 16.5 of Chapter 752 of the  
6 Statutes of 1998, is repealed.

7 SEC. 6. No reimbursement is required by this act  
8 pursuant to Section 6 of Article XIII B of the California  
9 Constitution because the only costs that may be incurred  
10 by a local agency or school district will be incurred  
11 because this act creates a new crime or infraction,  
12 eliminates a crime or infraction, or changes the penalty  
13 for a crime or infraction, within the meaning of Section  
14 17556 of the Government Code, or changes the definition  
15 of a crime within the meaning of Section 6 of Article  
16 XIII B of the California Constitution.

